

**PHARMACY BOARD[657]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 147.76, the Board of Pharmacy hereby gives Notice of Intended Action to amend Chapter 3, “Pharmacy Technicians,” Iowa Administrative Code.

The amendments were approved at the August 27, 2014, regular meeting of the Board of Pharmacy.

The proposed amendments provide updated language to remove all references to uncertified pharmacy technicians. Current rules require all pharmacy technicians to obtain national certification, but the rules provide an extended deadline for compliance under certain conditions. As of December 31, 2013, the provision for extension of the deadline to attain national certification has expired. These proposed amendments eliminate all references to the extended deadline for national certification and all references to uncertified pharmacy technicians because national certification is required of all pharmacy technicians following one-year registration as a technician trainee.

Requests for waiver or variance of the discretionary provisions of Board rules will be considered pursuant to 657—Chapter 34.

Any interested person may present written comments, data, views, and arguments on the proposed amendments not later than 4:30 p.m. on October 21, 2014. Such written materials may be sent to Terry Witkowski, Executive Officer, Board of Pharmacy, 400 S.W. Eighth Street, Suite E, Des Moines, Iowa 50309-4688; or by e-mail to [terry.witkowski@iowa.gov](mailto:terry.witkowski@iowa.gov).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 147.72, 147.107, 155A.6A, 155A.23, 155A.33, and 155A.39.

The following amendments are proposed.

ITEM 1. Amend rule **657—3.1(155A)**, definitions of “Certified pharmacy technician,” “Pharmacy technician” and “Supervising pharmacist,” as follows:

“*Certified pharmacy technician*” or “*certified technician*” means an individual who holds a valid current national certification and who has registered with the board as a certified pharmacy technician. ~~The term includes an individual registered with the board who voluntarily acquired certification as provided in subrule 3.5(2).~~

“*Pharmacy technician*” or “*technician*” means a person who is employed in Iowa by a licensed pharmacy under the responsibility of an Iowa-licensed pharmacist to assist in the technical functions of the practice of pharmacy, as provided in rules 657—3.22(155A) through 657—3.24(155A), and includes a certified pharmacy technician, and a pharmacy technician trainee, ~~and an uncertified pharmacy technician.~~

“*Supervising pharmacist*” means an Iowa-licensed pharmacist who is on duty in ~~an Iowa-licensed~~ a licensed pharmacy in Iowa and who is responsible for the actions of a pharmacy technician or other supportive personnel.

ITEM 2. Rescind the definition of “Uncertified pharmacy technician” in rule **657—3.1(155A)**.

ITEM 3. Amend rule 657—3.2(155A) as follows:

**657—3.2(155A) Purpose of registration.** A registration program for pharmacy technicians is established for the purposes of determining the competency of a pharmacy technician or of an applicant for registration as a certified pharmacy technician, or pharmacy technician trainee, ~~or uncertified~~

~~pharmacy technician~~ and for the purposes of identification, tracking, and disciplinary action for violations of federal or state pharmacy or drug laws or regulations.

ITEM 4. Amend rule 657—3.3(155A) as follows:

**657—3.3(155A) Registration required.** Any person employed in Iowa as a pharmacy technician, except a pharmacist-intern whose pharmacist-intern registration is in good standing with the board, shall obtain and maintain during such employment a current registration as a certified pharmacy technician, ~~or pharmacy technician trainee, or uncertified pharmacy technician~~ pursuant to these rules. An individual accepting employment as a pharmacy technician in Iowa who fails to register as a certified pharmacy technician, ~~or pharmacy technician trainee, or uncertified technician~~ as provided by these rules may be subject to disciplinary sanctions. A certified pharmacy technician accepting employment as a certified pharmacy technician in Iowa who fails to register as a certified pharmacy technician or who fails to maintain national certification may be subject to disciplinary sanctions.

**3.3(1) Licensed health care provider.** Except as provided in this rule, a licensed health care provider whose registration or license is in good standing with and not subject to current disciplinary sanctions or practice restrictions imposed by the licensee's professional licensing board and who assists in the technical functions of the practice of pharmacy shall be required to register as a certified pharmacy technician, ~~or pharmacy technician trainee, or uncertified technician~~ pursuant to these rules.

**3.3(2) to 3.3(4)** No change.

ITEM 5. Amend rule 657—3.5(155A) as follows:

**657—3.5(155A) Certification of pharmacy technicians.** Except as provided in ~~rule 657—3.6(155A)~~ ~~or subrule 3.5(3) 3.5(1), effective July 1, 2010,~~ all pharmacy technicians shall be required to be nationally certified as provided by this rule. National certification acquired through successful completion of any NCCA-accredited pharmacy technician certification program and examination fulfills the requirement for national certification. National certification does not replace the need for licensed pharmacist control over the performance of delegated functions, nor does national certification exempt the pharmacy technician from registration pursuant to these rules. A certified pharmacy technician shall maintain the technician's national certification, in addition to the technician's Iowa registration, during any period of employment in an Iowa pharmacy as a certified pharmacy technician.

~~**3.5(1) Certification prior to July 1, 2010.** An individual who holds a valid current national certification from the Institute for the Certification of Pharmacy Technicians (ICPT) or the Pharmacy Technician Certification Board (PTCB) and who acquired such certification prior to July 1, 2010, shall be deemed to have met the requirement for national certification beginning July 1, 2010, provided the certification is maintained in current standing.~~

~~**3.5(2) Required certification effective July 1, 2010.** Beginning July 1, 2010, national certification acquired through successful completion of any NCCA-accredited pharmacy technician certification program and examination fulfills the requirement for national certification.~~

~~**3.5(3) 3.5(1) Pharmacy technician trainee.** Except as provided in rule 657—3.6(155A), effective July 1, 2009, a A person who is in the process of acquiring national certification as a pharmacy technician shall register with the board as a pharmacy technician trainee. The registration shall be issued for a period of one year and shall not be renewed.~~

~~**3.5(4) 3.5(2) Certified pharmacy technician.** Beginning July 1, 2010, all All applicants for a new pharmacy technician registration except as provided by subrule ~~3.5(3) 3.5(1)~~, and all applicants for renewal of a pharmacy technician registration ~~except as provided in rule 657—3.6(155A)~~, shall provide proof of current national pharmacy technician certification and shall complete the application for certified pharmacy technician registration.~~

ITEM 6. Rescind and reserve rule **657—3.6(155A)**.

ITEM 7. Amend rule 657—3.8(155A) as follows:

**657—3.8(155A) Application form.**

**3.8(1) Required information.** The application for a certified pharmacy technician registration, ~~or pharmacy technician trainee registration, or uncertified pharmacy technician registration~~ shall include the following:

*a. to e.* No change.

**3.8(2) to 3.8(4)** No change.

**3.8(5) Additional information.** The following additional information shall be required from an applicant for the specified registration.

*a. ~~Technician~~ Pharmacy technician trainee.* The applicant for pharmacy technician trainee registration shall identify the source of pharmacy technician training, the anticipated date of completion of training, and the anticipated date of national certification.

*b. Certified pharmacy technician.* The applicant for certified pharmacy technician registration shall provide proof of current national pharmacy technician certification. The applicant shall also identify all current pharmacy employers including pharmacy name, license number, address, and average hours worked per week.

*c. Licensed health care provider.* In addition to the additional information required by paragraph “*a*,” or “*b*” or “~~*d*~~” as applicable, a licensed health care provider shall provide evidence that the licensee’s professional license or registration is current and in good standing and is not subject to current disciplinary sanctions or practice restrictions imposed by the licensee’s professional licensing authority.

~~*d. Uncertified pharmacy technician.* The applicant for uncertified pharmacy technician registration shall submit with the application for registration renewal one or more affidavits signed by the pharmacists in charge of one or more Iowa pharmacies where the applicant practiced as a pharmacy technician during the 18 months prior to submission of the application for registration. Affidavits shall be on a form provided by the board office.~~

**3.8(6)** No change.

ITEM 8. Amend rule 657—3.9(155A) as follows:

**657—3.9(155A) Registration term and renewal.** A pharmacy technician registration shall expire as provided in this rule for the specified registration. The board shall not require continuing education for renewal of a pharmacy technician registration.

**3.9(1)** No change.

**3.9(2) Pharmacy technician trainee registration.** ~~Beginning July 1, 2009, a~~ A registration for a pharmacy technician who is in the process of acquiring national certification (technician trainee) shall expire on the last day of the registration month 12 months following the date of registration or 12 months following the date registration was required pursuant to subrule 3.3(3).

*a. National certification completed.* When the registered pharmacy technician trainee completes national certification, and no later than the date of expiration of the pharmacy technician trainee registration, the pharmacy technician trainee shall complete and submit an application for certified pharmacy technician registration. A successful application shall result in issuance of a new certified pharmacy technician registration as provided in subrule 3.9(1).

*b. Voluntary cancellation of registration.* A registered pharmacy technician trainee who fails to complete national certification prior to expiration of the pharmacy technician trainee registration shall notify the board that the pharmacy technician trainee registration should be canceled and that the individual has ceased practice as a pharmacy technician.

*c. Failure to notify the board.* If a pharmacy technician trainee fails to notify the board prior to the expiration date of the pharmacy technician trainee registration regarding the individual’s intentions as provided in paragraph “*a*” or “*b*,” the pharmacy technician trainee registration shall be canceled and the individual shall cease practice as a pharmacy technician.

~~3.9(3) *Uncertified pharmacy technician registration.* Beginning June 1, 2010, a registration for a pharmacy technician who qualifies for the time extension for certification as provided by rule 657—3.6(155A) shall expire the second last day of the birth month following the latest scheduled registration renewal. In no case shall a registration for an uncertified pharmacy technician expire later than December 31, 2013, unless the pharmacy technician attains national certification as provided in subrule 3.5(2) and is reclassified as a certified pharmacy technician.~~

ITEM 9. Amend subrule 3.10(1) as follows:

**3.10(1) *Certified ~~or uncertified~~ pharmacy technician registration.*** The fee for obtaining an initial certified pharmacy technician registration or for biennial renewal of a certified pharmacy technician registration ~~or an uncertified pharmacy technician registration~~ shall be \$40 plus applicable surcharge pursuant to rule 657—30.8(155A).

ITEM 10. Amend rule 657—3.12(155A) as follows:

**657—3.12(155A) Registration certificates.** The certificate of pharmacy technician registration issued by the board to a certified pharmacy technician; or pharmacy technician trainee; ~~or uncertified pharmacy technician~~ is the property of and shall be maintained by the registered pharmacy technician. The certificate or a copy of the certificate shall be maintained in each pharmacy where the pharmacy technician works. Each pharmacy utilizing pharmacy technicians shall be responsible for verifying that all pharmacy technicians working in the pharmacy are registered, that pharmacy technician registrations remain current and active, and that a certified pharmacy technician's national certification remains current and active.

ITEM 11. Amend rule 657—3.17(155A) as follows:

**657—3.17(155A) Training and utilization of pharmacy technicians.** All Iowa-licensed pharmacies utilizing located in Iowa that utilize pharmacy technicians shall develop, implement, and periodically review written policies and procedures for the training and utilization of pharmacy technicians appropriate to the practice of pharmacy. Pharmacy policies shall specify the frequency of review. ~~Technician~~ Pharmacy technician training shall be documented and maintained by the pharmacy for the duration of employment. Policies and procedures and documentation of pharmacy technician training shall be available for inspection and copying by the board or an agent of the board.

ITEM 12. Amend rule 657—3.22(155A) as follows:

**657—3.22(155A) Technical functions.** At the discretion of the supervising pharmacist, the following technical functions, in addition to any of the functions authorized for a pharmacy support person pursuant to 657—Chapter 5, may be delegated to a pharmacy technician as specified in the following subrules.

**3.22(1) *Certified pharmacy technician.*** Under the supervision of a pharmacist, a certified pharmacy technician may perform technical functions delegated by the supervising pharmacist including, but not limited to, the following:

- a. No change.
- b. Accept prescription refill authorizations communicated to a pharmacy by a prescriber or by the prescriber's ~~office~~ agent.
- c. to g. No change.
- h. Prepackage or label ~~multidose~~ multi-dose and single-dose packages of drugs; ~~including dose picks for unit dose cart or AMDS fills for hospital or long-term care facility patients as provided in 657—Chapter 22.~~
- i. to k. No change.

**3.22(2) *Pharmacy technician trainee ~~and uncertified pharmacy technician.~~*** Under the supervision of a pharmacist, a pharmacy technician trainee ~~or an uncertified pharmacy technician~~ may perform only the following technical functions delegated by the supervising pharmacist:

- a. No change.

b. Accept prescription refill authorizations communicated to a pharmacy by a prescriber or by the prescriber's ~~office agent~~.

c. to f. No change.

g. Prepackage or label ~~multidose~~ multi-dose and single-dose packages of drugs, ~~including dose picks for unit dose cart or AMDS fills for hospital or long-term care facility patients as provided in 657—Chapter 22.~~

h. and i. No change.

ITEM 13. Amend rule 657—3.29(155A) as follows:

**657—3.29(155A) Denial of registration.** The executive director or designee may deny an application for registration as a certified pharmacy technician, or pharmacy technician trainee, ~~or uncertified pharmacy technician~~ for any violation of the laws of this state, another state, or the United States relating to prescription drugs, controlled substances, or nonprescription drugs or for any violation of Iowa Code chapter 124, 124A, 124B, 126, 147, 155A, or 205 or any rule of the board.

An individual whose application for registration as a certified pharmacy technician, or pharmacy technician trainee, ~~or uncertified pharmacy technician~~ is denied pursuant to this rule may, within 30 days after issuance of the notice of denial, appeal to the board for reconsideration of the application.

ITEM 14. Amend subrule 3.30(2) as follows:

**3.30(2) Sanctions.** The board may impose the following disciplinary sanctions:

a. Revocation of a certified pharmacy technician, or pharmacy technician trainee, ~~or uncertified pharmacy technician~~ registration.

b. Suspension of a certified pharmacy technician, or pharmacy technician trainee, ~~or uncertified pharmacy technician~~ registration until further order of the board or for a specified period.

c. Nonrenewal of a certified pharmacy technician ~~or uncertified pharmacy technician~~ registration.

d. to i. No change.

ITEM 15. Amend **657—Chapter 3**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 147.72, 147.107, 155A.6A, 155A.23, 155A.33, and 155A.39 ~~and Iowa Code section 155A.6A as amended by 2010 Iowa Acts, House File 2531, section 112.~~